

REMARKS

Applicant acknowledges the rejection of Claims 1-23 with a right to traverse. Claims 3, 4, 6, 8, 10-13 and 16-23 are currently amended to place the application in condition for allowance. As a result, Claims 1-23 are now pending in this application. Applicant respectfully requests further examination and reconsideration of the rejections for the reasons stated below.

§103 Rejection of the Claims

The rejection states that Claims 1-3, 10, 15-18, 21 and 22 are rejected under 35 USC 103(a) as being unpatentable over US Patent Application No. 2003/0206719 (hereinafter "Bumgardner") in view of US Patent Application No. 2003/0159157 (hereinafter "Chan"). Applicant respectfully traverses in view of the following.

Independent Claim 1 recites a method of caching data from multiple channels simultaneously comprising accessing data specifying a set of channels, accessing data specifying a prioritization of the set of channels, selecting channels for which to cache data from the set of channels based on the prioritization and caching data for the selected channels simultaneously, as claimed.

The Office Action states that "Chan discloses that the next favorite channels logic (210) has access to a subscriber's favorite channels logic (210), which are channels the subscriber has shown interest in." The Office Action further states that "[t]hese favorite channels can be

created from subscriber input and stored in STB memory or derived from subscriber interaction with the channel surfing process, which reads on claimed “accessing data specifying a set of channels; accessing data specifying a prioritization of the set of channels; selecting channels for which to cache data from the set of channels based on the prioritization”, as disclosed in paragraph [0043].” Moreover, the Office Action states that Bumgardner reads on the limitation “caching data from the selected channels simultaneously.”

However, unlike Claim 1, the combined references do not teach or suggest the limitations of accessing data specifying a prioritization of the set of channels, as claimed in Claim 1.

Instead, Chan teaches accessing data specifying multiple sets of channels, such as “next favorite channels,” “last N channels tuned,” “most frequently tuned channels,” “channels within the vicinity of the current channel” and so on. Importantly, there is no mention of prioritizing within any one of the channel sets in Chan.

Furthermore, the combined references do not teach the limitations of selecting channels for which to cache data from the set of channels based on the prioritization, as claimed in Claim 1. Paragraph 43 of Chan, which is the basis of the rejection of Claim 1, does not teach or suggest caching data or prioritizing channels to cache. Since the combined references do not teach or suggest every element recited in Claim 1, the Claim is not rendered obvious over Bumgardner in view of Chan.

Applicant respectfully asserts that Claims 2 through 9 overcome the rejections of record by virtue of their dependency, and respectfully solicit allowance of these Claims. In addition, Applicant respectfully asserts that the combined references fail to teach or suggest the claimed

limitations “receiving a switch operation from a first channel for which data is being cached to a second channel for which data is not being cached; and in response to the switch operation, de-allocating the data for the first channel, wherein the first channel is a non-favorite channel” as recited in Claim 5. Applicant respectfully notes that the rejection fails to cite a specific portion in any of the cited references alleged to teach these limitations, where the Claim recites freeing up memory when the first channel is not designated as a channel worthy of recording when it is not being viewed, as claimed. For this additional reason, Applicant respectfully asserts that Claim 5 overcomes the rejections of record, and respectfully solicits allowance of this Claim.

Regarding Claim 7, Applicant respectfully asserts that the combined references fail to teach or suggest the claimed limitations of “receiving a switch operation from a first channel for which data is being cached to a second channel for which data is not being cached; and in response to the switch operation, maintaining the data for the first channel, wherein the first channel is a favorite channel” as recited in Claim 7. Applicant respectfully notes that the rejection fails to cite a specific portion in any of the cited references alleged to teach these limitations, where the Claim recites allocating memory when the first channel is designated as a channel worthy of recording when it is not being viewed, as claimed. On the other hand, paragraph 50 of Safadi teaches maintaining the data indiscriminately. For this additional reason, Applicant respectfully asserts that Claim 7 overcomes the rejections of record, and respectfully solicits allowance of this Claim.

Regarding Claim 9, Applicant respectfully asserts that the combined references fail to teach or suggest the claimed limitations of “receiving a request to cache data for a first channel for which data is not being cached; selecting a second channel with the lowest priority to remove

caching capabilities from; and reassigning the caching capabilities to the first channel to satisfy the request to cache data for the first channel” as recited in Claim 9. Although paragraph 18 of Safadi teaches simultaneously caching two channels, it does not teach or suggest “receiving a request to cache data for a first channel for which data is not being cached” as claimed. In addition, unlike Claim 9 which recites selecting a second channel with the lowest priority, Bumgardner teaches deleting the lowest priority show on the disk to make space for a current show. Furthermore, Bumgardner does not teach or suggest “reassigning the caching capabilities ...to satisfy the request,” as claimed, but it teaches deleting the lowest priority shows to make space for a current show as the disk fills. Accordingly, allocating caching capability to various channels as recited in Claim 9 overcomes the combined references which teach erasing saved programs in the disk based on the user’s priority. For this additional reason, Applicant respectfully asserts that Claim 9 overcomes the rejections of record, and respectfully solicits allowance of this Claim.

Independent Claim 10 recites limitations similar to that of independent Claim 1 and is therefore patentable over the cited reference for the same reasons. As such, allowance of independent Claim 10 is earnestly solicited. Additionally, allowance of Claims 11 through 15 that depend on the independent Claim is earnestly solicited.

Currently amended independent Claim 16 recites an electronic device comprising one or more tuners, a memory storage device coupled to the tuners, a memory-stored list of channels having a channel ordering, and a processor for selecting a first set of channels in response to viewing requests and for assigning a first set of tuners thereto, where the processor is also for selecting a second set of channels based on the list of channels and for assigning a second set of

tuners thereto, and where the memory storage device simultaneously caches outputs of the first and second set of tuners, as claimed.

The Office Action states that “Bumgardner discloses using the GUI, the user may change the priorities of the shows either explicitly or by dragging and dropping saved shows in the GUI toward the front or back of a saved shows list thereby extending or reducing their time before being erased from the disk,” thus allegedly reading on to Claim 16, especially the limitation, a memory-stored list of channels having a channel ordering, as claimed. The Office Action further states that Bumgardner further discloses processing and control circuitry and TV tuners which read on to the limitation, a processor for selecting a first set of channels in response to viewing requests and for assigning a first set of tuners thereto, as claimed.

However, Bumgardner does not teach or suggest a memory storing an ordered list of channels, as claimed. Instead, Bumgardner teaches changing the order or priority of each saved show stored in the disk. Paragraph 18 of Bumgardner clearly states that “a priority is assigned to each saved show on the disk.” In contrast, Claim 16 recites storing a prioritized list rather than any content, such as the saved show to a memory.

Furthermore, Bumgardner does not teach or suggest the limitations of a process for selecting a first set of channels in response to viewing requests and for assigning a first set of tuners thereto, as claimed in Claim 16. Bumgardner does not teach or suggest selecting a first set of channels in response to viewing requests. Instead, it teaches processing video signal transmitted to a set-top box, See Paragraph 52. Since the combined references do not teach or suggest every element recited in Claim 16, the Claim is not rendered obvious over Bumgardner

in view of Chan. Additionally, allowance of Claims 17 through 23 that depend on the independent Claim is earnestly solicited.

Accordingly, allowance of the pending claims is earnestly solicited.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is urged to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present application. Please charge any additional fees or apply any credits to our PTO deposit account number: 23-0085

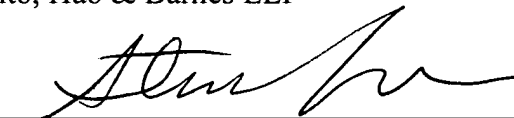
Respectfully submitted,

Murabito, Hao & Barnes LLP

Date

1/29/2008

By



Steve S. Ko
Reg. No. 58,757

Two North Market Street
Third Floor
San Jose, CA 95113
(408) 938-9060